

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF NEW YORK

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NANCY PASCAL,

Individually and on behalf of a class,

: Case No.: CV 08-0550

: Plaintiff,

: - against -

ALLAN P. FEIGELSON, individually and doing business
as ALLAN P. FEIGELSON, P.A., a dissolved corporation
and BANK OF AMERICA, N.A.

x **ANSWER**

: Defendants.

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Defendants ALLAN P. FEIGELSON, and ALLAN P. FEIGELSON, P.A., incorrectly sued herein as ALLAN P. FEIGELSON, P.A., individually and doing business as a dissolved corporation, by and through their attorneys, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, hereby respond to the allegations contained in Plaintiff's Complaint, as follows:

COMPLAINT – CLASS ACTION

INTRODUCTION

FIRST: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "1" of plaintiff's Complaint, and in addition, respectfully refer all questions of law to the Court for judicial determination.

JURISDICTION AND VENUE

SECOND: Admit the allegations contained in paragraph "2" of plaintiff's Complaint.

THIRD: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "3" of plaintiff's Complaint.

PARTIES

FOURTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "4" of plaintiff's Complaint.

FIFTH: Admit the allegations contained in paragraph "5" of plaintiff's Complaint.

SIXTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of plaintiff's Complaint except admit that Allan P. Feigelson, P.A. is an active professional corporation.

SEVENTH: Deny the truth of each and every allegation contained in paragraph "7" of plaintiff's Complaint.

EIGHTH: Admit the allegations contained in paragraph "8" of plaintiff's Complaint.

NINTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "9" of plaintiff's Complaint.

FACTS

TENTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "10" of plaintiffs Complaint, and state that the document referenced therein speaks for itself.

ELEVENTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "11" of plaintiffs Complaint, and state that the document referenced therein speaks for itself.

TWELFTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "12" of plaintiff's Complaint.

THIRTEENTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "13" of plaintiffs Complaint, and state that the document referenced therein speaks for itself.

FOURTEENTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "14" of plaintiffs Complaint, and state that the document referenced therein speaks for itself.

FIFTEENTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "15" of plaintiffs Complaint, and state that the document referenced therein speaks for itself.

SIXTEENTH: Deny the truth of the allegations contained in paragraph "16" of plaintiff's Complaint except admit that the Exhibit A is Feigelson's "normal" stationary except for the fact that his telephone number is not included.

SEVENTEENTH: Deny the truth of each and every allegation contained in paragraph "17" of plaintiff's Complaint.

EIGHTEENTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "18" of plaintiffs Complaint.

NINETEENTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "19" of plaintiffs Complaint, and respectfully refer all questions of law to the court for judicial determination.

TWENTIETH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "20" of plaintiffs Complaint, and state that the document referenced therein speaks for itself.

TWENTYFIRST: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "21" of plaintiffs Complaint, and state that the document referenced therein speaks for itself.

TWENTYSECOND: Deny the truth of each and every allegation contained in paragraph "22" of plaintiff's Complaint.

VIOLATIONS ALLEGED

TWENTYTHIRD: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "23" of plaintiffs Complaint, and in addition, respectfully refer all questions of law to the court for judicial determination.

TWENTYFORTH: Deny the truth of each and every allegation contained in paragraph "24" of plaintiff's Complaint.

TWENTYFIFTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "25" of plaintiffs Complaint, and in addition, respectfully refer all questions of law to the court for judicial determination.

TWENTYSIXTH: Deny the truth of each and every allegation contained in paragraph "26" of plaintiff's Complaint.

TWENTYSEVENTH: Deny the truth of each and every allegation contained in paragraph "27" of plaintiff's Complaint.

TWENTYEIGHTH: Deny the truth of each and every allegation contained in paragraph "28" of plaintiff's Complaint.

CLASS ALLEGATIONS

TWENTYNINTH: Deny the truth of each and every allegation contained in paragraph "29" of plaintiff's Complaint.

THIRTIETH: Deny the truth of each and every allegation contained in paragraph "30" of plaintiff's Complaint.

THIRTYFIRST: Deny the truth of each and every allegation contained in paragraph "31" of plaintiff's Complaint.

THIRTYSECOND: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "32" of plaintiff's Complaint.

THIRTYTHIRD: Deny the truth of each and every allegation contained in paragraph "33" of plaintiff's Complaint.

THIRTYFOURTH: Deny the truth of each and every allegation contained in paragraph "34" of plaintiff's Complaint.

THIRTYFIFTH: Deny the truth of each and every allegation contained in paragraph "35" of plaintiff's Complaint.

THIRTYSIXTH: Deny the truth of each and every allegation contained in paragraph "36" of plaintiff's Complaint.

AS AND FOR DEFENDANTS' FIRST AFFIRMATIVE DEFENSE

THIRTYSEVENTH: Upon information and belief, plaintiff's Complaint fails to state a valid cause of action against the Defendants.

AS AND FOR DEFENDANTS' SECOND AFFIRMATIVE DEFENSE

THIRTYEIGHTH: Upon information and belief, plaintiff has brought her claim without conducting a good faith inquiry into the validity of her cause of action. The complaint has been brought in bad faith and for the purpose of harassment. Thus, the Defendants are entitled to recover attorney's fees reasonable in relation to the work expended and costs of defending this action pursuant to Fed. R. Civ. P. 11 and 15 U.S.C. §1692k(a)(3).

AS AND FOR DEFENDANTS' THIRD AFFIRMATIVE DEFENSE

THIRTYNINETH: Upon information and belief, and although Defendants deny any violation of the FDCPA, alternatively, the Defendants' actions are not actionable because any purported violation of the FDCPA was unintentional or a result of a bona fide error.

AS AND FOR DEFENDANTS' FOURTH AFFIRMATIVE DEFENSE

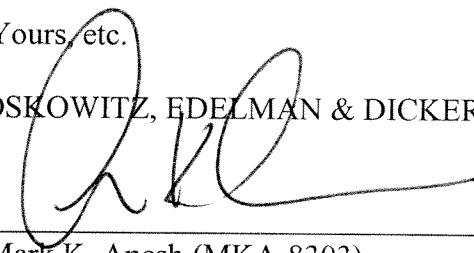
FOURTIETH: Upon information and belief, plaintiff lacks the capacity to maintain this purported claim against the Defendants.

WHEREFORE, answering Defendants ALLAN P. FEIGELSON, and ALLAN P. FEIGELSON, P.A., incorrectly sued herein as ALLAN P. FEIGELSON, P.A., individually and doing business as a dissolved corporation, demand judgment dismissing plaintiff's Complaint and each claim for relief contained therein in its entirety, together with such other and further relief as this Court deems just and proper, including costs and expenses.

Dated: New York, New York
February 11, 2008

Yours etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

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